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March 2, 2010

**Herseth Sandlin, Lummis, Bishop Lead Bipartisan Effort to Shine Light on Lawsuit Payments**

**WASHINGTON** – A bipartisan trio of western members of Congress, U.S. Representatives Stephanie Herseth Sandlin, D-S.D., Cynthia Lummis, R-Wyo., and Rob Bishop, R-Utah, have teamed up to introduce the “Open EAJA Act of 2010.” The bill seeks to reinstate critical oversight and transparency measures for payments made to organizations through the Equal Access to Justice Act (EAJA).

In 1980, EAJA was passed by Congress to help individuals, small businesses and non-profits with limited means seek judicial redress against the federal government. It allows plaintiffs who sue the federal government to recover their attorney’s fees and costs if they prevail in the case or even settle out of court through the use of taxpayer dollars. Two recent studies have shown that despite congressional intent to assist small organizations, some large environmental groups appear to be the major beneficiaries of EAJA payments.

“Simply put, this legislation is about ensuring good and open government,” Rep. Herseth Sandlin said. “Unfortunately, government tracking of payments under the Equal Access to Justice Act stopped in 1995 and the program has been operating without any oversight for over 15 years. We must restore transparency and oversight over EAJA payments so that we know where and how our taxpayer dollars are being spent while ensuring that the original intent of EAJA is not being abused.”

“It’s time to shine some light on the high-jacking of the equal justice law by some groups and the environmental litigation industry that supports their ‘stop everything’ agenda,” Rep. Lummis said. “The Open EAJA Act will help restore taxpayer trust in the system by bringing the Equal Access to Justice Act out of the shadows and into the bright light of transparency. I call on everyone who uses and cares for our public lands to support this bill, including the beneficiaries of EAJA payments.”

“For too long, taxpayers have unwittingly served as the financiers of the environmental litigation industry. Without improved oversight, EAJA will continue to be abused by organizations that have made a cottage industry out of suing the federal government in an effort to advance their radical political agendas,” Rep. Bishop said. “The Open EAJA Act will lift the veil off this bottomless bank account and bring greater oversight and transparency to the equal justice law.”

According to research by a Wyoming law firm, 14 environmental groups have brought over 1200 federal cases in 19 states and the District of Columbia, and have collected over \$37 million in taxpayer dollars through EAJA or other similar laws. Those numbers do not include settlements, and fees sealed from public view. An independent study from Virginia Tech University discovered similar findings as a result of a comprehensive Freedom of Information Act request of five Federal agencies. The Virginia Tech study also revealed that two of these agencies could provide absolutely no data on EAJA payments.

Dr. Michael Mortimer, who directed the Virginia Tech study said, “What the ‘Open EAJA Act of 2010’ does is nothing more than require that agencies paying court-awarded legal fees, costs, or lawsuit settlements under the provisions of the EAJA to track, record, and provide that financial information to Congress and the public in an easily accessible fashion. This bill provides for the much-needed transparency and clarity that should form the foundation of any federal policy – particularly one where taxpayer dollars are being spent to sue our own government.”

The bill, H.R. 4717, would reinstate and consolidate tracking and reporting requirements under

the Department of Justice (DoJ), and would require the DoJ to publish an online, searchable database of EAJA payments that is open to the public. It would also authorize an audit of the last 15 years when EAJA operated with absolutely no oversight.

The bill is supported by several groups representing businesses and individuals who depend on the nation's public lands for their livelihood and enjoyment including the Western Legacy Alliance, National Cattlemen's Beef Association, National Farmers Union, the Society of American Foresters, and the Family Farm Alliance. It is also endorsed by one of the nation's largest conservation organizations, the National Association of Conservation Districts (NACD).

In its letter of endorsement, NACD President, Steve Robinson wrote, "There is a lack of accountability and transparency in the administration and distribution of EAJA payments. NACD fears that this lack of oversight leads to abuse of the EAJA and results in fewer resources available for on-the-ground natural resource improvements."

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